REMARKS/ARGUMENTS

Amendments to the Claims

Claims 23 has been amended to state that the skin layers A are each independently selected form a composition comprising (a) 85-95 wt% mLLDPE and (b) 5-15 wt% of HDPE, LDPE, or a mixture thereof. Support for this amendment can be found in Paragraph [0079], *inter alia*, of the application as originally filed.

Claim 24 has been amended to incorporate the limitations of Claim 25. Claim 25 has been cancelled.

Claim 31 has been amended to correctly refer back to the mLLDPE in Claim 23, instead of mPE.

Claims 31 and 43 have been amended to state that at least one of the skin layers comprises a blend of mLLDPE and LDPE. Support for this amendment can be found in Paragraph [0061], *inter alia*, of the application as originally filed.

Objections to the Claims

Claims 51-52 have been objected to as being in improper multiple dependent form. Applicants have amended Claims 51 and 52 to be multiple dependent in the alternative. Thus, Applicants request that the objection be withdrawn.

Rejections Under 35 U.S.C. §103(a)

A. Claims 23 and 51-52 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,368,545 to Bailey *et al.* (herein "Bailey") in view of U.S. Patent No. 4,126,648 to Agouri *et al.* (herein "Agouri"). Applicants respectfully traverse this rejection and request reconsideration.

While Bailey does disclose films having an A/B/A structure, Bailey does not disclose a film having the blends claimed by Applicants in the skin and core layers. As stated in the Office Action, Bailey fails to disclose a core blend layer comprising 60-90 wt% of LDPE and 10-40 wt% of HDPE as claimed by Applicants. Bailey further fails to disclose a skin layer blend as claimed by Applicants wherein the skin layer blend comprises (a) mLLDPE and (b)

HDPE, LDPE, or a mixture thereof. In fact, the only film having a layer comprising a blend in disclosed in Bailey is a blend of 20% HDPE and 80% mLLDPE in the core layer.[1] Not only is this blend not what Applicants have claimed, but the films in Bailey have a much higher haze level than those obtained by Applicants.[2]

The Office Action has states that Agouri teaches a film having 60-90 wt% LDPE and 40-10 wt% HDPE, and that it would have been obvious to use the blend disclosed in Agouri in the core layer of Bailey "in order to obtain a film having superior properties to a film comprising high density polyethylene alone as taught by Agouri." *See* Office Action Page 3. Applicants, respectfully disagree. First, Applicants respectfully submit that Agouri does not teach that a film comprising a blend of LDPE and HDPE has superior properties than a film comprising HDPE alone. Agouri, merely states that films comprising HDPE alone are expensive to make, and that films containing LDPE can bemade under more favorable economic conditions.[3]

Second, Applicants submit that Agouri does not teach the use of a blend comprising 60-90 wt% LDPE and 10-40 wt% HDPE in a core layer of an A/B/A film. Agouri discloses thin single layer films and sheaths that have hand and rustling properties that would be comparable to paper. The films in Agouri comprise a grafted copolymer comprising at least one styrene monomer, possibly mixed with at least one acrylic monomer.[4] The monomer(s) are grafted onto a trunk constituted by a pre-formed combination or alloy containing 50-95 wt% low-density polyethylene and 50 to 5 wt% high density polyethylene and/or polypropylene, the portion of the grafted styrene monomer or mixture of monomers being 5 to 50 wt% of said grafted copolymer.[5] Thus, the composition in Agouri may contain a styrene-grafted blend of LDPE and HDPE and PP, a styrene-grafted blend of LDPE and

[1] *See* Bailey Example 4.

[2] Bailey's Example 4 has a haze of 10.46, while Applicants films have haze values of less than 8. *See* Applicant's examples 2, 3, 5, 6, 8, 9, 11, 12, 14, 15, and 17-20.

[3] *See* Agouri Column 1, Lines 32-42.

[4] *See* Agouri at column 1, line 61 to column 2, line 8.

[5] *Id.* (emphasis added). *See also id.* at column 2, lines 48-53 (describing the two step process to make the polymer composition).

HDPE, or a styrene-grafted blend of LDPE and PP. Therefore, Applicants respectfully submit that one would not know how much HDPE the blend should contain, as the blend may contain no HDPE at all (e.g, in a blend of just LDPE/PP), or may contain a small portion of HDPE (e.g., in a blend of LDPE/PP/HDPE), or may contain a larger amount of HDPE (e.g., in a blend of LDPE/HDPE).

Thirdly, regardless of the amount of HDPE in the blend disclosed in Agouri, Agouri teaches the use *styrene-grafted* compositions. Applicants respectfully submit that the Examiner cannot pick and choose from Agouri just the pre-formed alloy which may or may not be a blend of LDPE/HDPE to use in the core layer of Bailey, but must rather use the entire teaching of Agouri, which teaches the use of a *styrene-grafted* composition in the film layer. To do otherwise would be the use of improper hindsight to reject the claimed invention, which is prohibited under M.P.E.P. § 2145(X)(A).

Regardless, Applicants respectfully submit that even if the blend of Agouri was provided in the core layer of Bailey's film, one would still not arrive at Applicants claimed invention as neither Bailey nor Agouri, alone or in combination, disclose a skin layer having the blend claimed by Applicants. Therefore, Applicants respectfully submit that neither Bailey nor Agouri, alone or in combination with one another, disclose or suggest Applicant's claimed film having an A/B/A structure wherein the B layer comprises 60-90 wt% HDPE and 10-40 wt% LDPE, and the A layers are independently selected form compositions comprising (a) mLLDPE and (b) HDPE, LDPE, or a mixture thereof. As the cited references do not disclose all of the claim limitations, Applicants submit that a *prima facie* case of obviousness has not been made and request that the rejection be withdrawn.

B. Claims 24-50 have been rejected under 35 U.S.C. § 103(a) as unpatentable over Bailey in view of Agouri and further in view of U.S. Patent Appl. Pub. No. 2001/0003624 to Lind *et al.* (herein "Lind"). Applicants respectfully traverse this rejection and request reconsideration. Applicants reiterate their remarks from above in (A) and add the following comments.

As described above neither Bailey nor Agouri, alone or in combination with one another, disclose or suggest Applicant's claimed film having an A/B/A structure wherein the

B layer comprises 60-90 wt% HDPE and 10-40 wt% LDPE, and the A layers are independently selected from compositions comprising (a) mLLDPE and (b) HDPE, LDPE, or a mixture thereof. Applicants respectfully submit that Lind does not rectify the deficiencies in Bailey and Agouri to disclose all of the claim limitations, and that Applicants have demonstrated unexpected results.

Lind discloses multilayer barrier films where at least one layer contains a barrier material such as polyvinylidene chloride copolymers, ethylene vinyl alcohol, nylon, or a metal foil. Lind does not disclose a film having a core layer comprising 60-90 wt% LDPE and 10-14 wt% HDPE as claimed by Applicants. Thus, Applicants submit that Lind does not rectify the failure of Bailey and Agouri (as described above) to disclose a core layer having Applicants claimed composition.

The skin layers of the films in Lind generally comprise a copolymer of ethylene and an alpha-olefin or a blend of a copolymer of ethylene and an alpha-oefin and ethylene vinyl alcohol.[6] However, Lind does disclose one example of a film where one skin layer comprises a blend of a LLDPE and a LDPE.[7] Applicants respectfully point out that this disclosure in Lind teaches only *one* skin layer comprising LLDPE/LDPE while the other layer has a different composition, and that *both* of Applicants claimed skin layers comprise (a) mLLDPE and (b) HDPE, LDPE, or mixtures thereof. Thus, Applicants submit that the combination of Lind with Bailey and Agouri does not disclose a film wherein both skin layers have Applicants claimed blend.

Furthermore, Applicants films have demonstrated unexpected beneficial properties. Applicants have developed films useful for collation shrink that have improved optics as well as good stiffness when the film comprises a core layer and skin layers having Applicants claimed blends.[8] Applicants' films exhibit high 1% secant modulus, which means that the films can be downguaged (i.e., reduced in thickness) and still have sufficient stiffness for collation shrink applications. Surprisingly, this high strength and/or ability to downgauge

[6] *See generally.*, Lind Examples 1-21 and 23-25.

[7] *See* Lind Paragraph [0041] and Example 22 and 26.

[8] *See generally* Examples 2, 3, 4, 5, 8, 9, 11, 12, 14, 15, 17-20, 23, and 24.

does not result in losses in clarity or gloss values, or in an increase in haze values. Thus, Applicants submit that the claimed films surprisingly exhibit an improved balance of properties that render them especially suitable for collation shrink applications. There is nothing in Bailey, Agouri, and Lind that would suggest the combination of Applicants claimed core layer with the claimed skin layers would result in such improved properties.

Therefore, Applicants respectfully submit that none of Bailey, Agouri, or Lind, alone or in combination with one another, teach or suggest all of Applicants claim limitations and further Applicants submit that their claimed films have unexpectedly improved properties. Thus, Applicants submit that the claimed invention is not obvious in view of Bailey, Agouri, and Lind, and request that the rejection be withdrawn.

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If there are any suggestions or questions regarding this amendment, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application. If necessary, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response. Please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1712 (Docket #2003B101A-US).

Respectfully submitted,

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